

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JEREMIAH YBARRA,

Civil No. 21-993 (JRT/LIB)

Petitioner,

ORDER

v.

WARDEN KALLIS,

Respondent.

Jeremiah Ybarra, 55024-280, FMC Rochester, PMB 4000, Rochester, MN 55903-4000, Petitioner.

Ana H Voss, Assistant United States Attorney, **UNITED STATES ATTORNEY'S OFFICE**, 300 S 4th St Ste 600, Minneapolis, MN 55415, for Respondent.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas Corpus, [Docket No. 1], is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 20, 2021
at Minneapolis, Minnesota

s/John R. Tunheim

JOHN R. TUNHEIM

Chief Judge

United States District Court